

- (2) **Review Period.** When two or more applications are processed simultaneously or in conjunction with one another and have different time frames for review and/or approval, the longest time frame shall apply to all applications.

Paragraphs (1) and (2) amended by Ord. 1785, June 2010

**Sec. 21-3170. Inactive Applications**

In the event that an applicant, having been notified that additional information or corrected materials are required, fails to submit such information or materials within 60 days of the request, or an applicant fails to attend any scheduled meeting or public hearing, the director may notify the applicant that the application is considered inactive and unless corrective action is taken within 30 days, the application shall be considered withdrawn.

**Sec. 21-3175. Withdrawal of an Application**

Except for inactive applications, only the applicant or property owner may withdraw an application. After an application is withdrawn, no further action on the application shall take place. To re-initiate review, the applicant shall resubmit the application, which in all respects shall be treated as a new application for purposes of review, scheduling, and fees.

**C. NOTICE**

**Sec. 21-3180. Required Notice**

Notice shall be provided in accordance with the following table:

Table III-1. Notice Requirement

Application	Mail	Publication	Placard
Annexations		X	
Appeals	X	X	X
Comprehensive Plan Amendments	X	X	X
Conditional Use Permits	X	X	X
Consolidation Plats	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>
Final Plats	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>
Height Exceptions	X	X	X
PUD Zone Documents / Zone Document Amendments	X <sup>1</sup>	X	X <sup>1</sup>
Oil and Gas Permits	X <sup>3</sup>	X	X
Rezoning or Zone Changes	X <sup>1</sup>	X	X <sup>1</sup>
Use-by-Permits	X	X	X
Vacations – Active rights-of-way or easements only	X	X	X

Application	Mail	Publication	Placard
Variances	X	X	X
Vested Property Rights / Site Specific Development Plans	X	X	X

<sup>1</sup> Placards and mailed notification shall not be required when an amendment to the official zoning map is initiated by the city and affects multiple owners.

<sup>2</sup> When a plat is initiated by the city and affects city-owned land, no notice shall be required.

<sup>3</sup> Mailed notice shall be a minimum of 2500 feet from the affected parcel(s)

### Sec. 21-3185. Notice Types

- (1) **Mail.** Unless modified by the director, mailed notice shall be sent to all the owners of property adjacent to or within 300 feet of the property that is the subject of the application. Notice shall be mailed at least seven days prior to the public hearing or, where no hearing is required, administrative action. When adjacent property is owned by a subdivision or condominium association, notification may be sent to the management company or board of such association and to the owners of the individual units. The city shall be responsible for mailing the notice unless it specifically delegates this responsibility to the applicant in writing. If delegated, the city may require the applicant to submit evidence to document compliance with the requirements of this section.
- (2) **Placards.** The city, or the applicant if designated by the director, shall place signs on the property which is the subject of the application at least seven days prior to the public hearing or action. The director shall designate the number and location of the signs based upon the complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors. In no event shall the number of signs posted be fewer than one.
  - (a) The applicant shall ensure signs remain in place during the period leading up to the hearing or administrative action and shall check the posted signs each day. Missing or damaged signs shall be replaced by the applicant within 48 hours of discovery or by the close of the next business day, whichever period is longer. When requested by the city, the applicant shall sign a statement affirming that the above-stated procedures were followed. Failure to comply with the required posting procedure or failure to file the posting compliance log with the city upon request may result in the public hearing being rescheduled. Any delays resulting from the rescheduling shall not prejudice the city regarding the city's compliance with required times to act as set forth in this land development code.

- (b) Applicants shall remove all signs no later than one week after the public hearing or action.
- (3) **Publication.** Notice shall be placed in a newspaper of general circulation in the city at least six days prior to any public hearing or action by the planning commission or board of adjustment, and at least seven days prior to any public hearing or action by the city council.

**Sec. 21-3190. Notice Content**

All notice required by table III-1 shall indicate the time and place of the public hearing or action, describe the property involved, the nature of the application, and indicate where additional information may be obtained.

**Sec. 21-3195. Sufficiency of Notice**

Failure of a person to receive mailed notice shall have no affect on any subsequent hearing or action. Similarly, minor defects in any type of notice shall not invalidate the notice or any proceedings related to the notice provided a bona fide attempt has been made to comply with applicable notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at a public hearing regarding the adequacy of notice, a formal finding regarding whether there was substantial compliance with the notice requirements of this land development code shall be made before proceeding with the hearing.

***DIVISION 2: REVIEW***

**Sec. 21-3200. Required Review**

Applications shall be reviewed in accordance with the processes and standards set forth in this land development code. Table III-2, Development Review Table, establishes the review steps required for specific forms of site development.

Table III-2. Development Review Table

APPLICATION TYPES	REQUIRED REVIEWS					REFERENCE	LAPSE PERIOD
	Staff	DRT	PC	CC	BOA		
<b>Administrative Applications</b>							
Building and Sign Permits	R	R <sup>1</sup>			H <sup>3</sup>	§ 21-3210	6 months
Concept Plans	R	R				§ 21-3211	n/a
Development Plans	R	R	H <sup>1</sup>	H <sup>1</sup>		§ 21-3212	2 years
Floodplain Development Permits	R	R <sup>2</sup>			H <sup>1</sup>	§ 21-3213	2 years
Grading Permits	R				H <sup>1</sup>	§21-3214	30 days
Minor Modifications	R	R <sup>1</sup>			H <sup>1</sup>	§ 21-3215	1 year

APPLICATION TYPES	REQUIRED REVIEWS					REFERENCE	LAPSE PERIOD
	Staff	DRT	PC	CC	BOA		
<b>Administrative Applications</b>							
Oil and Gas Permits	R	R	H <sup>1</sup>	H <sup>1</sup>		§ 21-3216	6 months
Temporary Use Permits	R	R <sup>1</sup>			H <sup>1</sup>	§ 21-3217	§ 21-3217
<b>Applications Requiring BOA Approval</b>							
Height Exceptions	R	R			H	§ 21-3220	3 years
Uses-by-Permit	R	R			H	§ 21-3221	2 years
Variances	R	R			H	§ 21-3222	1 year
<b>Applications Requiring Approval by City Council</b>							
Annexations	R	R	H <sup>1</sup>	H		Division III-	n/a
Comprehensive Plan Amendments	R	R	H	H		§ 21-2110	n/a
Conditional Use Permits	R	R	H	H		§ 21-3230	2 years
Model and Elevation Review	R	R <sup>1</sup>	R <sup>1</sup>	R <sup>1</sup>		§ 21-3231	90 days
Rezoning or Zone Changes	R	R	H	H		§ 21-3232	n/a
Vacation of Rights-of-Way	R	R	H	H		§ 21-3233	60 days
Vested Property Right/Site Specific Development Plans	R	R	H	H		§ 21-3234	3 years
<b>Developments with Multiple Steps</b>							
<b>Planned Unit Development (PUD)</b>							
Concept Schematics	R	R	H <sup>1</sup>			§ 21-3250	n/a
Zone Documents/Amendments	R	R	H	H		§ 21-3251	n/a
Development Permits	R	R	H <sup>1</sup>	H <sup>1</sup>		§ 21-3252	2 years
<b>Subdivisions</b>							
Consolidation Plats	R	R	H <sup>2</sup>	H <sup>2</sup>		§ 21-3243	60 days
Lot Line Adjustments	R	R <sup>1</sup>	H <sup>1</sup>	H <sup>1</sup>		§ 21-3244	60 days
Plat Corrections and Revisions	R	R <sup>1</sup>	H <sup>1</sup>	H <sup>1</sup>		§ 21-3242	60 days
Sketch Plats	R	R				§ 21-3240	n/a
Final Plats (administrative)	R	R	H <sup>2</sup>	H <sup>2</sup>		§ 21-3241	60 days
Final Plats (public hearing required)	R	R	H	H		§ 21-3241	60 days

<b>Key</b>	
<i>PC</i>	<i>Planning Commission</i>
<i>CC</i>	<i>City Council</i>
<i>BOA</i>	<i>Board of Adjustment</i>
<i>DRT</i>	<i>Development Review Team</i>
<i>H</i>	<i>Public Hearing</i>
<i>H<sup>1</sup></i>	<i>Hearing upon appeal from staff decision or from director or city council request</i>
<i>H<sup>2</sup></i>	<i>Hearing upon appeal from staff decision or by request of director, city council, or public</i>
<i>H<sup>3</sup></i>	<i>Hearing on appeal of zoning related matters. Appeals related to building matters are heard by the board of building appeals.</i>
<i>R</i>	<i>Review</i>
<i>R<sup>1</sup></i>	<i>Review requested by director</i>
<i>R<sup>2</sup></i>	<i>Review requested by floodplain administrator</i>

site or the proposed development that is not shared by landowners in general; or

- b. An alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.

(5) **Documentation of Approval.**

- (a) Pending Applications. Approved modifications shall be noted by the director on the relevant pending development application.
- (b) Approved Plans/Plats. Minor modifications to any approved development plan, final PUD development permit, or final plat shall be noted on a revised plan/plat, which shall be plainly marked as amended and submitted by the applicant to the director. The director shall note the terms of the approved modification directly on the amended plan/plat and affix his signature and the date of approval. As applicable, such amended plan/plat shall be recorded.

**Sec. 21-3216. Oil and Gas Permits**

- (1) **Description.** An Oil and Gas Permit allows the permit holder to undertake construction of an oil and gas project. The review of such permit is intended to ensure compliance with this land development code.
- (2) **Requirement.** Unless specifically allowed by the director, no building permit shall be issued, and therefore no development, excavation, site preparation, or construction activity, including tree/vegetation removal or grading, shall occur on any property until an Oil and Gas Permit has been approved in accordance with this section.
- (3) **Review.** The Director and the DRT review Oil and Gas Permits. The Director is authorized to approve, approve with conditions, or deny Oil and Gas Permits based on the criteria below.
- (4) **Approval Criteria.** An Oil and Gas Permit may be approved if the application submitted by the Operator conforms to the following requirements:
  - (a) The Operator has submitted the appropriate and complete application form and submitted the required application fee to the City as set forth in this Code.

- (b) The Operator has submitted the required information acceptable to the City sufficient to meet the requirements set forth in this Code.
  - (c) The Operator has entered into an Extraction Agreement as set forth in this Code.
  - (d) The Operator has provided information acceptable to the City sufficient to demonstrate that it will meet the requirements regarding compliance with the General Standards as set forth in this Code.
  - (e) The Operator has provided information acceptable to the City sufficient to demonstrate that it will meet the requirements regarding Site Development as set forth in this Code.
  - (f) The Operator has provided information acceptable to the City sufficient to demonstrate that it will meet the requirements regarding Odor/Dust Containment as set forth in this Code.
  - (g) The Operator has provided information acceptable to the City sufficient to demonstrate that it will meet the requirements regarding Noise Impacts as set forth in this Code.
  - (h) The Operator has met or has demonstrated that it will meet the requirements regarding traffic acceptable to the City Engineer as set forth in this Code.
  - (i) The Operator has provided sufficient information acceptable to the City to meet the Financial Assurances set forth in this Code.
- (5) **Terms of Approval.** Terms and Conditions of the Oil and Gas Permit.
- (a) The term of the Oil and Gas Permit shall be coterminous with the length of any state permit issued by the COGCC allowing Operations on the Site that is the subject of the City's permit. Any extension of a permit granted by the COGCC shall automatically result in a similar extension of the term of the Oil and Gas Permit.
  - (b) The granting of an Oil and Gas Permit shall not relieve the Operator from complying with all applicable regulatory requirements of the City, the state of Colorado, or the United States.
  - (c) The Oil and Gas Permit shall expire upon abandonment and reclamation of the permitted Operation.

- (d) The Oil and Gas Permit and/or existing use site plan required by this Code is in addition to any permit that may be required by any other provision of this Code, or by any other governmental agency.
  - (e) By accepting an Oil and Gas Permit, the Operator expressly stipulates and agrees to be bound by and comply with the provisions of this Code and any subsequent amendments thereto as set forth therein.
- (6) **Lapse/Permit Period.** If construction of a structure is required, an Oil and Gas Permit shall lapse unless a City building permit has been issued and construction diligently pursued within two (2) years of approval or at such alternative time specified in the approval. In the event no new structure is required for the operation, the Oil and Gas Permit shall lapse if the Operation is not commenced within 180 days of the approval. In addition, an Oil and Gas Permit shall automatically lapse and have no further effect if the use is discontinued for 180-consecutive days.

#### **Sec. 21-3217. Temporary Use Permits**

- (1) **Description.** Temporary uses are uses of land which are short in duration, such as a mobile office or construction trailer for homebuilders, the temporary display of merchandise for sale, and organized events. table V-4 in article V establishes the temporary uses that require a temporary use permit.
- (2) **Review.** Except as described in paragraphs (a), (b), and (c), the director, and the DRT, if the director deems appropriate, will review applications for temporary use permits. The director is authorized to approve, approve with conditions, or deny the application based upon the approval criteria listed below. A decision on a temporary use permit shall be issued no later than 30 days from the date a completed application is received by the city.
  - (a) Temporary use permits for organized events that are proposed to be held in any public park shall be reviewed by the director in charge of the city's parks. The director in charge of parks is authorized to approve, approve with conditions, or deny the application based upon the approval criteria listed below.
  - (b) Temporary use permits for organized events that are proposed to be held in whole or in part within any public street shall be reviewed by the city engineer. The city engineer is authorized to approve,